

REMARKS

Applicants reply to the non final Office Action dated December 5, 2008, within the shortened statutory three month period for reply. The Examiner rejects all pending claims 5, 8-12 and 51-57. Support for the new claims may be found in the originally-filed specification, claims, and figures. No new matter has been introduced by these new claims. Applicants respectfully request reconsideration of the pending claims.

Rejection based on 35 U.S.C. § 112, first paragraph

Claims 5, 7-12, 51-57

In the Final Office Action dated July 31, 2008, the Examiner rejected claims 5, 7-12, 51-57 as failing to comply with the written description requirement of 35 U.S.C. § 112, first paragraph. Applicants' Reply dated September 30, 2008 provided citations to the specification that supported the rejected subject matter and respectfully requested withdrawal of that rejection. In the outstanding Office Action, the Examiner makes no comment on the status of that rejection. Applicants take this to mean that the Examiner has found Applicants' arguments and citations to the specification persuasive and, accordingly, Applicants respectfully request an explicit statement of withdrawal of the rejection. However, if the rejection still stands, in an effort to fully Reply to the outstanding Office Action, Applicants respectfully traverse the rejection and ask the Examiner to consider Applicants comments made in the September 30, 2008 Reply. For example, paragraphs [0099], [0101], Figure 13, and the claims as originally filed on April 9, 2004 of the present specification support the present claims. Applicants note that claim 7 is currently canceled, so Applicants respectfully submit that the rejection of claim 7 is moot.

Rejection based on 35 U.S.C. § 103(a)

Claims 5, 8-12 and 51-57

The Examiner rejects claims 5, 8-12 and 51-57 as unpatentable over US Patent No. 6,230,288 to Kuo et al ("Kuo") in view of US Patent No. 6,272,641 to Ji et al ("Ji"). Applicants respectfully traverse this rejection as set forth below.

Kuo teaches the "cleaning" or standardizing of whitespace characters to standardize text files before scanning for a virus. See Abstract, FIG 2, col. 5, lines 20-40. Kuo discloses that a text file may have many combinations of whitespace characters but still contain the same text. See col. 2., lines 38-57. As Kuo describes, during or after insertion of a virus into a text file, whitespace characters may be altered in a variety of ways. Id. A virus scanner, while scanning a text file against known virus signatures, may have trouble identifying a virus due the context provided by the whitespace characters.

Kuo's method involves transforming every whitespace character with a single whitespace character. See col. 5, lines 20-40. In other words, Kuo replaces a variety of different whitespace characters with a "single, known character." See col. 5, line 27.

Ji discloses an applet scanner that scans Internet-obtained applets for appropriate marking with additional security monitoring. See Abstract. Ji's invention involves a scanner that scans applets for "problematic" code. See col. 3, lines 25-30. If such code is found, Ji's scanner then "marks" the problematic code, which may include the insertion of additional code. See col. 3, lines 27-34. Upon execution of the applet on the client, the "marked" code is monitored for compliance with a security policy. See col. 3, lines 47-58.

Applicants' claim 1 includes, at least, "at least one of editing and removing at least a portion of said executable commands such that said executable commands still remain in said trusted portion, but cannot be executed by said network client, wherein if editing, said editing of said executable commands comprises replacing particular characters within said executable commands," as similarly recited in claim 57. Kuo teaches standardizing whitespace characters before scanning, not during or after scanning. One skilled in the art following Kuo's teachings must perform Kuo's standardization operation before scanning because the standardization operation's purpose is to make scanning more effective. Importantly, Kuo's standardization operation does not accomplish, "at least one of editing and removing at least a portion of said executable commands." Kuo's invention removes and/or modifies whitespace characters only, not portions of the executable commands themselves. Kuo contains no disclosure or contemplation of modifying the executable command itself. Further, Kuo's standardization operation does not render the executable command such that it, at least, "cannot be executed by said network client." To the contrary, Kuo's invention only modifies whitespace characters and not visible text characters themselves.

Ji also does not disclose or contemplate at least, "at least one of editing and removing at least a portion of said executable commands such that said executable commands still remain in said trusted portion, but cannot be executed by said network client, wherein if editing, said editing of said executable commands comprises replacing particular characters within said executable commands." Ji teaches "marking" of problematic code and its subsequent monitoring. Although Ji teaches insertion of code near "problematic" code, Ji does not teach modification of the problematic code itself. Further, Ji contemplates execution of at least a portion of the executable code, albeit under monitoring.

Dependent claims 8-12 and 51-56, variously depend from independent claim 5, so Applicants assert that dependent claims 8-12 and 51-56 are patentable for at least the same reasons for

differentiating the independent claim 5, as well as in view of their own respective features. Independent claim 57 contains similar language as claim 5. Accordingly, Applicants respectfully submit that this rejection be withdrawn.

Claims 11-12

The Examiner rejects claims 11-12 as unpatentable over Kuo in view of Ji and U.S. Patent to 6,272,641 to Guheen et al ("Guheen"). Applicants respectfully traverse this rejection as set forth below.

Kuo and Ji are discussed above. Guheen is discussed in previous Replies, notably the April 17, 2008 Reply to Office Action. Guheen generally discusses testing of electronic systems. The teachings of Guheen do not cure the deficiencies of Kuo and Ji. Moreover, dependent claims 11-12, variously depend from independent claim 5, so Applicants assert that dependent claims 11-12 are patentable for at least the same reasons for differentiating the independent claim 5, as well as in view of their own respective features.

New Claim

New claims 58-59 variously depend from independent claim 5, so Applicants assert that dependent claims 58-59 are patentable for at least the same reasons for differentiating independent claim 5, as well as in view of their own respective features. For example, neither Ji nor Kuo, nor a combination thereof discloses or contemplates "wherein said editing comprises converting a script format character to another character." As discussed in the present specification, e.g., in [0100]-[0102], scripting languages often have a script format character that identifies the block as a script and triggers its execution when read by a browser. Editing the script format character would keep the script intact but prevent its execution. Removing the script format character would have a similar effect in that the code would not be executed at all.

Conclusion

In view of the above remarks and amendments, Applicants respectfully submit that all pending claims are allowable over the cited references. Accordingly, Applicants respectfully request allowance of the pending claims. The Examiner is invited to telephone the undersigned at the Examiner's convenience, if that would help further prosecution of the subject application. The Commissioner is hereby authorized to charge any fees, which may be required, or credit any overpayment, to Deposit Account No. 19-2814. **This statement does NOT authorize charge of the issue fee.**

Date: _____

2/19/09

Respectfully submitted,

By: _____


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